

**Amendments to the Claims:**

The listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-37 (Canceled)

38. A marking tool to mark a lens capsule of an eye for a capsulotomy procedure, comprising:

an elongated shaft having a distal end shaped and dimensioned for insertion into an anterior chamber of the eye, said shaft defining a lumen terminating at an opening at said distal end;

a marking assembly containing a resiliently flexible metallic marking element having a substantially ring-shaped distal portion, in a natural state, said marking assembly being slidably received in said lumen between a transport condition, wherein said marking element is deformably retracted into said lumen to enable unobstructed penetration of the shaft distal end during insertion into the eye anterior chamber, and a deployed condition, wherein said marking element is advanced beyond the shaft distal end enabling the marking element to expand to its natural state; and

a transferable marking material applicable to at least the substantially ring-shaped distal portion of said marking element such that said marking material is transferred to the lens capsule during non-damaging contact by the marking element therewith.

39. The tool of claim 38 wherein the substantially ring-shaped portion of the marking element has an associated size which is adjustable by the user.

40. The tool of claim 38 wherein the transferable marking material is disposed on the substantially ring-shaped distal portion of said marking element such that said marking material is transferred to the lens capsule during non-damaging contact by the marking element therewith.

41. The tool of claim 38 wherein the transferable marking material corresponds to a dye or stain.

42. The tool of claim 38:

wherein transfer of the marking material to the lens capsule during non-damaging contact by the marking element results in formation of a substantially ring-shaped mark on the lens capsule;

and wherein the substantially ring-shaped mark is formed from the marking material.

43. The tool of claim 38:

wherein transfer of the marking material to the lens capsule during non-damaging contact by the marking element results in formation of a substantially ring-shaped mark on the lens capsule;

and wherein the substantially ringed mark is substantially circular or substantially elliptical in shape.

44. The tool of claim 38:

wherein the substantially ring-shaped portion of the marking element is operable to be configured by a user to a first shape and first size; and

wherein the substantially ring-shaped portion of the marking element is operable to be configured by a user to a second shape and second size.

45. The tool of claim 38 wherein the substantially ring-shaped portion of the marking element forms a substantially circular shaped ring in the deployed condition.

46. The tool of claim 38 wherein the substantially ring-shaped portion of the marking element forms a substantially elliptical shaped ring in the deployed condition.

47. The tool of claim 38 wherein the substantially ring-shaped portion of the marking element is made from a shape-memory, metallic material.

48. The tool of claim 38 wherein the size and dimension of the elongated shaft is suitable for insertion of the delivery mechanism through a cataract incision made in a cornea of the eye.

49. The tool of claim 38 wherein the substantially ring-shaped portion of the marking element is comprised of a metal material selected from a group consisting of titanium and stainless steel.

50. The tool of claim 38 further comprising:  
a marking element retraction/extension mechanism for enabling the substantially ring-shaped portion of the marking element to be retracted into the lumen and/or extended from the lumen; and  
wherein the retraction/extension mechanism is a screw-type mechanism.

51. The tool of claim 38 further comprising:  
a marking element retraction/extension mechanism for enabling the substantially ring-shaped portion of the marking element to be retracted into the lumen and/or extended from the lumen; and  
wherein the retraction/extension mechanism is a plunger-type mechanism.

52. The tool of claim 38 further comprising a dye or stain component, applicable to the substantially ring-shaped portion of the marking element, and usable to make the mark on the lens capsule.

53. The tool of claim 38:  
wherein said marking element, in the deployed condition, is substantially contained in a plane, and is oriented such that said plane intersects a longitudinal axis of a tool shaft at an oblique angle.